

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
03 MAR 20 AM 9:41

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oswaldo Rogelio ANZALDO

Defendant,

Magistrate Case No. **'08 MJ 0866**

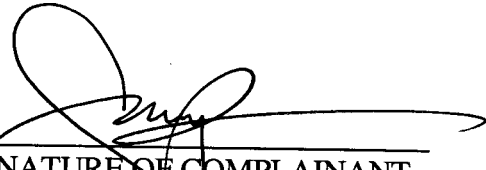
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 19, 2008**, within the Southern District of California, defendant **Oswaldo Rogelio ANZALDO**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Adriana Berenice CRUZ-Duran**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF
March 2008.


UNITED STATES MAGISTRATE JUDGE

AUSA

PROBABLE CAUSE STATEMENT

The complainant states that **Adriana Berenice CRUZ-Duran** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a Material Witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 19, 2008 at approximately 2:31 AM, **Osvaldo Rogelio ANZALDO (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver of a gray 1986 Nissan 300 ZX. Defendant was accompanied by one minor passenger. While conducting pre-primary roving operations, a CBP Service Canine alerted to the rear area of the vehicle. A Customs and Border Protection (CBP) Officer obtained a negative Customs declaration from Defendant who also stated he was a United States citizen. Defendant claimed that the vehicle belonged to his sister. The CBP Officer noticed that the Defendant was very nervous as he avoided eye contact and was very fidgety. The vehicle and its passengers were escorted to secondary for a more thorough inspection.

In secondary, CBP Officers discovered an undocumented female inside the rear quarter panel of the vehicle. The female was assisted and removed from the vehicle, determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Adriana Berenice CRUZ-Duran (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed alien and stated he witnessed the female being placed inside the compartment. Defendant stated he was going to receive a monetary payment of \$1,000.00 USD to smuggle the female into the United States.

On a separate videotaped interview, Material Witness declared she is a citizen of Mexico without legal documents to enter the United States. Material Witnesses admitted her husband was going to pay \$4,000.00 to \$5,000.00 USD upon her successful arrival to the United States. Material Witness stated she was traveling to California to seek employment.